

7 August 1839.—3 VICT.

(Ireland.)

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To amend an Act of the Thirty-sixth Year of
King GEORGE the Third, relating to the River
Poddle.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]



WH^{EREAS} an Act was passed in the Parliament of Ire-
land in the thirty-sixth year of the reign of his Majesty
King GEORGE the Third, intituled, " An Act for preventing the
Inundations of the Poddle River in Dublin, and for preserving the
Cathedral Church of Saint Patrick and the Houses of the adjoining
Inhabitants from the Damages arising therefrom;" whereby, after
reciting a certain Act made in the said Parliament of Ireland in the
seventeenth and eighteenth years of the reign of his Majesty
CHARLES the Second, intituled, " An additional Act to the Act
intituled, ' An Act for the cleansing of the Watercourse in Saint
Patrick Street,' " certain Commissioners were appointed for carrying
into effect the purposes of the said Acts :

Preamble
36 Geo. 3.
c. 44.

And whereas it is expedient to transfer to the Commissioners for
paving, cleansing and lighting the streets of Dublin the powers and
authorities vested in the Commissioners appointed under the said
recited Acts, and to make other provisions for more effectually
carrying the said Acts into execution ;

BE it therefore Enacted, by The QUEEN's most Excellent
MAJESTY, hy and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT from and after the
passing of this Act all the powers, duties and authorities given to or
imposed upon the Commissioners constituted and appointed by the

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said

1.
On passing of
this Act
Commissioners
shall
come to exer-
cise powers,

and some
shall be trans-
ferred to
Commissioners
of Paving.

47 Geo. 3.
c. 103.

54 Geo. 3.
c. 221.

said recited Acts for putting into execution the powers contained therein, shall cease to be exercised by the said Commissioners, and shall, save as such powers, duties and authorities may be by this Act varied or curtailed, be thenceforward transferred to and vested in and exercised by the Commissioners for paving, cleansing and lighting the streets of Dublin, appointed or hereafter to be appointed under the provisions of an Act passed in the forty-seventh year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the more effectual Improvement of the City of Dublin and the Environs thereof;" and of another Act passed in the fifty-fourth year of the reign of his said Majesty, intituled, "An Act to explain and amend an Act passed in the forty-seventh year of his present Majesty's reign, for the more effectual Improvement of the City of Dublin and the Environs thereof."

2.
Duties of In-
spector, &c.
to be per-
formed by
officers of
Commission-
ers of Paving.

And be it Enacted, That the appointments of the Inspector, Collectors, Treasurer and all other officers under the said two first-recited Acts shall cease and determine from and after the passing of this Act; and that the duties and authorities pertaining to their respective offices shall be respectively exercised and performed by the Supervisors of Works, Collectors of Taxes, Treasurer or such other officer of the said Commissioners for paving, cleansing and lighting the streets of Dublin, and their successors, as they shall think fit to direct to perform the same, without any additional salary or remuneration.

3.
Number of
Commission-
ers empower-
ed to act.

And be it Enacted, That all and every the powers, of what nature or kind soever, by the said two first-recited Acts vested in the Commissioners appointed thereunder, and hereby transferred to or vested in the said Commissioners for paving, cleansing and lighting the streets of Dublin, shall and may be exercised by any Two or more of the said last-mentioned Commissioners, either personally, or by writing under their hands, or under their hands and seals, according to the nature of the case; and that all contracts, orders and proceedings of any Two or more of the said last-mentioned Commissioners, shall have the same force and effect as if made or done by all the said Commissioners.

4.
Book of Pro-
ceedings to
be kept.

And be it Enacted, That the said Commissioners shall cause their Secretary to enter in a book or books to be for that purpose provided, minutes of all their proceedings under this Act, and of the name or names of the Commissioner or Commissioners present thereat; and that such minutes shall be signed by the presiding Commissioner, and such book or books shall be received as evidence

of the acts and proceedings of said Commissioners in all Courts of Law or Equity.

And be it Enacted, That all fines and penalties recoverable under the said two recited Acts of the seventeenth and eighteenth years of the reign of King CHARLES the Second, and of the thirty-sixth year of his Majesty King GEORGE the Third, or under this Act, shall and may be sued for and recovered by and in the name of the said Commissioners for paving, cleansing and lighting the streets of Dublin, and their successors, or in the name of their Secretary for the time being, and shall, when recovered, be paid to the Treasurer of the said Commissioners, and applied to the purposes of the said recited Acts and this Act.

5.
All fines and penalties under recited Act to be recovered by Commissioners of Paving.

AND whereas, in order to raise a fund to carry the purposes of the said two first-recited Acts into execution, the said Commissioners appointed thereunder were empowered from time to time to lay such tax or assessment as they should think sufficient upon the Dean, Dignitaries and Prebendaries of the Cathedral Church of Saint Patrick, Dublin, and upon every house in the liberties or baronies of Saint Sepulchre's, and Thomas-court and Donore, in the said Act named, and upon every house then built, or thereafter to be built, situate in the City of Dublin, or in the adjoining liberties or baronies of Saint Sepulchre's, Thomas-court and Donore, or in the County of Dublin, and which houses were or should be also liable to the tax for the support of the workhouse or Foundling Hospital, and under which houses the watercourse described in such Act runs or should run, or from whence any water should flow through any sewer or drain into the said watercourse, and upon every house then built or to be built on the sides of streets in the said City of Dublin, or in the said adjoining liberties or baronies, or in the County of Dublin, and which houses were or should be also liable to the tax for the support of the workhouse or Foundling Hospital, the kennels of which streets empty and discharge themselves into the said watercourse, or into any sewer or drain communicating with or leading or running into the said watercourse, a certain tax, not exceeding in any one year One Shilling in the Pound sterling of the respective yearly values or rents, according to which such houses were or should be respectively chargeable to the tax for the support of the said workhouse or Foundling Hospital, such tax to be equally rated and assessed, by warrant under the hands and seals of the said Commissioners, upon the several inhabitants of such respective houses as aforesaid, provided the amount of the said rates, imposition or cess should not exceed the sum of Three Pounds for any one house in any one year; and should also rate and assess upon

6.
33 Geo. 3, c. 44, s. 27, recited and repealed.

the Dean, Dignitaries and Prebendaries of the said Cathedral Church of Saint Patrick, and on his Majesty's Castle of Dublin and the precincts thereof, comprehended within the places from whence the said waters descend into the said watercourse, and through which the said watercourse runs, such rate and assessment as the said Commissioners should think reasonable : And whereas many houses formerly liable to the said assessment have, by reason of the change of levels and by the construction of sewers communicating with the River Liffey and not with the said River Poddle, ceased to be affected thereby, or to be liable to assessment for the purposes of the said Acts, and the houses remaining liable to the said assessment are for the most part occupied by poor persons who are unable to bear the same, and it is therefore expedient to repeal the said recited enactment ; BE it therefore Enacted, That the same shall be and the same is hereby repealed : Provided always, That notwithstanding the repeal thereof, any rate, tax or assessment, or arrears thereof heretofore made or imposed by virtue thereof, shall be recoverable as if the said recited enactment remained in full force and effect.

7.
Rates to be made and levied

on Castle of Dublin and Cathedral Church of St. Patrick,

in equal moieties,

AND in order to raise a fund to carry the purposes of the said recited Acts and this Act into execution, in lieu of the said tax, rate or assessment hereby abolished ; BE it Enacted, That the said Commissioners for paving, cleansing and lighting the streets of Dublin, and their successors, shall from time to time, as often as they shall find it necessary, and they are hereby empowered to levy such rate, tax or assessment as they shall think sufficient, not exceeding *Three hundred Pounds* in any one year, to defray the expense of carrying the said recited Acts and this Act into execution, upon Her Majesty's Castle of Dublin and the precincts thereof, and upon the Dean, Dignitaries and Prebendaries of the said Cathedral Church of Saint Patrick, Dublin, according to the proportions hereinafter mentioned ; (that is to say) upon Her Majesty's Castle of Dublin and the precincts thereof a sum not exceeding *One moiety* of the entire amount of said rate, tax or assessment ; and upon the Dean, Dignitaries and Prebendaries of the said Cathedral Church of Saint Patrick, Dublin, a sum not exceeding *One other moiety* of the entire amount of said rate, tax or assessment.

8.
Rate assessed on Dublin Castle to be paid by Secretary of Board of Works, and Rate on Cathedral of St. Patrick to be paid by Treasurer of Dean, &c.

And be it Enacted, That the rate or rates so to be assessed on Her Majesty's Castle of Dublin and the precincts thereof, shall from time to time be paid and payable to the said Commissioners under this Act by the Commissioners of Public Works in Ireland, and the rate or rates to be assessed on the Dean, Dignitaries and Prebendaries of the said Cathedral Church of Saint Patrick, Dublin, shall from time to time be paid and payable to the said Commissioners under this Act

Act by the said Dean, Dignitaries and Prebendaries, and his and their successors, out of the economy fund of the said Cathedral.

And be it Enacted, That it shall be lawful for the said Commissioners, in defect of funds under this Act, from time to time to lay out and expend, out of the monies accruing to or vested in them under the said recited Acts of the forty-seventh and fifty-fourth years of the reign of his Majesty King GEORGE the Third, such sum or sums of money, not exceeding at any one time Pounds, as may be required to carry into effect the purposes of this Act: Provided, however, that distinct accounts shall be kept of all monies so advanced, and the purpose to which the same may be applied, and that the same, so soon as conveniently may be after an assessment shall have been made under this Act, and the money so assessed shall be received or recovered by the said Commissioners, shall be repaid out of the monies raised by assessment under this Act.

9.
Commissioners may apply their other funds to purposes of this Act.

And be it Enacted, That all the estate and effects, real and personal, and all debts, dues, arrears of rates and penalties of or belonging to, or recoverable by the said Commissioners appointed under the said two first-recited Acts, in that capacity shall, from and after the passing of this Act, be and they are hereby vested in, and made payable to, and recoverable by, the said Commissioners for paving, cleansing and lighting the streets of Dublin, and their successors, who shall have all such remedies for recovering the said debts, dues, arrears of rates and penalties respectively, as by the said recited Acts or by this Act are provided for receiving and recovering any debts, dues or penalties thereunder; and that all debts due by the said Commissioners under said recited Acts, in their capacity as such Commissioners, shall be borne and paid by the said Commissioners for paving, cleansing and lighting the streets of Dublin, out of the monies to be raised and levied by virtue of this Act.

10.
Property to vest in Commissioners of Paving.

And be it Enacted, That upon the passing of this Act, the said Commissioners so appointed under said two first-recited Acts, and their Secretary, Treasurer, Inspector and other officers, shall hand over to the said Commissioners for paving, cleansing and lighting the streets of Dublin, all assessments, valuations, contracts, books and other documents relating to the several purposes and objects of said Acts.

11.
Assessments, &c. to be handed over to Commissioners of Paving.

And be it Enacted, That in every case where, by the said first-recited Act, any notice is provided to be given by or to the Inspector
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12.
Notices required by recited Act to be given by
under

Secretary of
Commission-
ers.

under said Act, it shall and may be lawful for the Secretary of the said Commissioners for paving, cleansing and lighting the streets of Dublin, and he is hereby authorized and directed to give or receive such notice as therein provided, and such notice shall be of equal force and validity as any notice to be given to or received by the Inspector under said Act. 5

13.
Power to
contract.

And be it Enacted, That it shall and may be lawful for the said Commissioners under this Act, and their successors from time to time, to contract with a fit person or fit persons for all or any works necessary for the purposes and objects of this Act, in like manner as they are now empowered to do under the said recited Acts of the forty-seventh and fifty-fourth years of the reign of his late Majesty King GEORGE the Third. 10

14.
Distinct Ac-
counts to be
kept.

And be it Enacted, That in the books of account of the said Commissioners distinct and separate accounts shall be kept of the produce of each and every distinct tax, rate and assessment hereby imposed, or directed to be raised, levied or paid, and what sum or sums shall have been paid and applied to the purposes of this Act respectively. 15

15.
And to be
subject to
audit.

And be it Enacted, That the accounts of the said Commissioners under this Act shall be subject to the like audit and examination in all respects as the other accounts of the said Commissioners are or shall be by law subject to. 20

16.
This Act may
be altered
this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

B I L L

To amend an Act of the Thirty-sixth Year of King George the Third, relating to the River Poddle.

(Prepared and brought in by
Lord Viscount Morpeth & Mr. Solicitor General
for Ireland.)

Ordered, by The House of Commons, to be Printed
7 August 1821
